



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
[www.epa.gov/region8](http://www.epa.gov/region8)

Ref: 8ENF-AT

JAN - 9 2018

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Samuel Bernard  
Geneva Rock Products, Inc.  
730 North 1500 West  
Orem, Utah 84057

Re: Clean Air Act Section 114(a) Request for Information for Geneva Rocks Hansen-Lehi facility, located in Lehi, Utah

Dear Mr. Bernard:

The U.S. Environmental Protection Agency hereby requires Geneva Rock Products, Inc., (Geneva) to provide certain information to determine the Clean Air Act (CAA) compliance status of the Hansen-Lehi facility located in Lehi, Utah.

According to the Utah Department of Environmental Quality letter to Geneva Rock Products, Inc., dated April 4, 2014, Geneva was granted approval to relocate and temporarily operate generators at the Hansen-Lehi facility during 2014 and 2015. The EPA hereby requests information related to operation of these generators and other NOx emission sources at the Hansen-Lehi facility. The following is an excerpt from that letter:

"Your request dated March 25, 2014, to replace a CAT 1207 hp generator with a CAT 1520 hp generator for the temporary project at the Hansen-Lehi facility, located 15547 South Minuteman Drive, Lehi, Utah, was received by the Utah Division of Air Quality (DAQ) and has been approved. ... The following equipment has been approved for operation for this temporary project:

Cat 3512 1,662 hp generator  
Cat 62-2146 3512 1520 hp generator

Approval is granted to relocate and operate this equipment at the new location for a period not to exceed 180 operational days. As per Utah Administrative Code (UAC) R307-401-17, the operation of equipment at this temporary site may be for up to 180 working days in any calendar year not to exceed 365 consecutive days, starting from the initial relocation date. The operational days per site cannot be extended beyond the stipulated 365 consecutive day period. Approval is subject to the generator operation conditions of the current Hansen-Lehi Approval Order (AO) DAQE-AN0105650018-09 dated November 30, 2009. It is important to be aware that Condition II.B.5.b of this AO limits the facility wide emissions for NOx from stationary generators to 29.68 tons per rolling 12-month period. The operation of this

temporary generator when combined with the permanent generators operation cannot exceed this 12-month limit.

The owner/operator shall maintain records of the actual operation hours of the above referenced equipment at this relocation site and have the ability to submit the information to the DAQ upon the request of representatives of the Director. Please make certain that the plant operator is aware of all the location specific requirements for this site and the conditions of the aforementioned AO.”

Pursuant to section 114(a) of the CAA, 42 U.S.C. § 7414(a), the Administrator of the EPA is authorized to require any person who owns or operates an emissions source to establish and maintain records, make reports, sample emissions (in accordance with the procedures and methods that the Administrator shall prescribe) and provide such other information as he may reasonably require for the purposes of determining whether such person is in violation of any provision of the CAA. This authority has been delegated to the undersigned official. In order for the EPA to determine whether a violation of the CAA has occurred, you are hereby required, pursuant to section 114(a) of the CAA, to provide responses to the following Request for Information regarding the facility listed above. Accordingly, you must respond to this Request for Information within thirty (30) calendar days from receipt of this Request. See the Instructions and Definitions in Enclosure 1 and the Information Requested in Enclosure 2.

You are required to attach a properly executed Statement of Certification (Enclosure 3) to your response to this Request. Enclosure 3 must be signed and dated by an individual who is authorized by Geneva to respond to this Request. You are under an obligation to preserve all documents requested in this letter until you receive further instructions from the EPA.

Failure to provide the required information is a violation of the CAA and may result in one or more of the following actions: 1) issuance of an administrative penalty order pursuant to section 113(d) of the CAA, 42 U.S.C. § 7413(d); 2) issuance of an order requiring compliance with this Request for Information; 3) initiation of a civil action pursuant to section 113(b) of the CAA, 42 U.S.C. § 7413(b); and/or 4) any other action authorized under the CAA. In addition, knowingly providing false information in response to this Request for Information may be actionable under section 113(c) of the CAA, 42 U.S.C. § 7413(c), and 18 U.S.C. §§ 1001 and 1341. The information you provide may be used by the EPA in administrative, civil, and criminal proceedings.

Under section 114(c) of the CAA, 42 U.S.C. § 7414(c), and pursuant to regulations at 40 C.F.R. part 2, including 40 C.F.R. § 2.301, you are entitled to claim as confidential any information you provide to the EPA which involves trade secrets and is regarded as confidential business information by you. For such information, you may request that the EPA treat the information as confidential. Any such claim for confidentiality must conform to the requirements of 40 C.F.R. § 2.203(b). Note that emissions information is not considered confidential under section 114(c). For detailed instructions, please see Enclosure 4 to this letter. Information you supply will be treated as confidential business information to the degree determined to be appropriate according to the regulations. If you fail to furnish a business confidentiality claim with your response to this Request for Information, the EPA will construe your failure as a waiver of that claim, and the information may be made available to the public without further notice to you.

**YOU MUST SUBMIT ALL RESPONSIVE INFORMATION, whether or not you make a claim of confidentiality.**

Please submit your response to this Request to:

U.S. Environmental Protection Agency, Region 8  
Attn: Joseph Wilwerding  
Air and Toxics Technical Enforcement Program (8ENF-AT)  
595 Wynkoop Street  
Denver, Colorado 80202-1129

If you have any questions regarding this Request for Information, please contact Joseph Wilwerding at (303) 312-6729, or your counsel may contact Sheldon Muller, at (303) 312-6916.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Suzanne J. Bohan', with a long horizontal flourish extending to the right.

Suzanne J. Bohan  
Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures

1. Instructions and Definitions
2. Request for Information
3. Statement of Certification
4. Confidential Business Information

cc: Jay Morris, Manager, Minor Sources Division, Utah Department of Air Quality

## ENCLOSURE 1:

### A. GENERAL INSTRUCTIONS

1. Provide a separate narrative response to each question and subpart of a question set forth in the Request for Information. If **Geneva** has no responsive information or **documents** pertaining to a particular request, submit an affirmative statement and explanation.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer **identify** the person(s) who provided information that was used or considered in responding to that question, as well as each person who was consulted in the preparation of that response.
3. Indicate on each **document** produced in response to this Request for Information, or in some other reasonable manner, the number of the question to which it corresponds. If a **document** is responsive to more than one request, this must be so indicated and only one copy of the **document** needs to be provided.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where **documents** or other information necessary for a response are neither in your possession nor available to you, indicate in your response why such **documents** or other information are not available or in your possession and identify any source that either possesses or is likely to possess such **documents** or other information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify the **EPA** as soon as possible.

### B. INSTRUCTION FOR ELECTRONIC SUBMISSIONS

To aid in our electronic recordkeeping efforts, we request that you provide all **documents** responsive to this Request for Information in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive **documents** in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the **document** to be searchable. Submitters providing secured PDFs should also provide unsecured versions for the **EPA** use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel format, and not in image format. If the Excel format is not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Enclosure 4 for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

### C. DEFINITIONS

All terms used in this Request for Information will have their ordinary meaning unless such terms are defined in the **CAA, NSPS Subpart IIII**, or otherwise defined herein.

1. The term “**Act**” or “**CAA**” shall mean the Clean Air Act, 42 U.S.C. §§ 7401 et seq.
2. The term “**construction commences**” or “**construction commenced**” shall mean the date the engine is ordered by the owner or operator.
3. The terms “**document**” and “**documents**” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these, in **Geneva’s** possession, custody or control or to which **Geneva** has or has had access. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents should also include all attachments to or enclosures for the document provided.
4. The term “**EPA**” shall mean the United States Environmental Protection Agency.
5. The term “**freshly manufactured engine**” shall mean an engine that has not been placed into service. An engine becomes freshly manufactured when it is originally produced.
6. The term “**Geneva**” shall mean Geneva Rock Products, Inc, and its affiliates, officers, members, managing members, limited partners, general partners, employees, contractors, and agents.
7. The term “**Hansen-Lehi Facility**” shall mean the facility owned and operated by Geneva Rock Products, Inc.

8. The term “**identify**” means, with respect to a natural person, to set forth the person’s name and present or last known: employer, business address and business telephone number, job title (including division or group name), and job description and responsibilities.
9. The term “**identify**” means, with respect to a corporation, limited liability company, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, limited liability company, partnership, etc.), organization, if any, and a brief description of its business.
10. The term “**identify**” means, with respect to a facility or operation, the name of that facility or operation, its address, and a brief description of the operations.
11. The term “**identify**” means, with respect to a **document**, to provide its customary business description, its date, its number, if any (e.g., invoice or purchase order number), the author and recipient(s), and to describe the substance or the subject matter.
12. The term “**manufacture date**” or “**date of manufacture**” shall mean one of the following things:
  - (a) For **freshly manufactured engines** and modified engines, date of manufacture means the date the engine is originally produced.
  - (b) For reconstructed engines, date of manufacture means the date the engine was originally produced, except as specified in paragraph (c) of this definition.
  - (c) Reconstructed engines are assigned a new date of manufacture if the fixed capital cost of the new and refurbished components exceeds 75 percent of the fixed capital cost of a comparable entirely new facility. An engine that is produced from a previously used engine block does not retain the date of manufacture of the engine in which the engine block was previously used if the engine is produced using all new components except for the engine block. In these cases, the date of manufacture is the date of reconstruction or the date the new engine is produced.
13. The term “**NSPS Subpart IIII**” shall mean 40 C.F.R Part 60 Subpart IIII, the Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, 40 C.F.R. §§ 60.4200-60.4219.
14. The term “**Temporary Generators**” shall mean the generators described as “Cat 3512 1,662 hp generator” and “Cat 62-2146 3512 1520 hp generator” in the Utah Department of Environmental Quality letter to Geneva Rock Products, Inc. dated April 4,2014.

## **ENCLOSURE 2:**

### **INFORMATION REQUESTED:**

Using the instructions and definitions set forth in Enclosure 1, provide the following information **within thirty (30) calendar days** from receipt of this Request. Where possible, any information not requested in editable electronic format should be provided in portable document format (PDF). If any of the information has been previously submitted to the EPA in its entirety, **Geneva** has the option of resubmitting the information or identifying the previous submission and certifying that the previously-submitted information is true, accurate and complete in accordance with Enclosure 3. Terms in boldface are defined in Enclosure 1.

1. **Identify** the owner and operator of the **Hansen-Lehi Facility**. If the entity is a subsidiary, also **identify** the parent company. Provide the following information for the owner and operator of the **Hansen-Lehi Facility**:
  - a. Current organizational chart, including a chart reflecting the relationship between **Geneva** and all of its direct or indirect owners or parent companies.
  - b. Indicate how long the entity has owned and/or operated the facility. If the entity has owned and operated the facility for less than five (5) years, **identify** the previous owner and operator.
  - c. Date of creation; state of incorporation and/or organization; and location of headquarters. Provide copies of the most recent **document(s)** filed with the state where the entity was incorporated, and the most recent **document(s)** filed with the Utah Secretary of State's Office.
  - d. **Identify** officers, members, managing members, limited partners, and general partners, and describe each of their roles and involvement in decision-making processes for the owner and operator.
2. Provide the following for each of the **Temporary Generators**:
  - a. Make, model, and serial number for the generator.
  - b. Manufacturer specification sheet for the generator.
  - c. **Manufacture date** for the generator.
  - d. Date **construction commenced** for the generator.
  - e. Engine displacement in Liters/Cylinder of the generator.
  - f. Whether **Geneva** has claimed the generator is certified under NSPS IIII or other EPA standards, and the citation for the certification standard.
3. Provide the following for each of the **Temporary Generators** for calendar years 2014 and 2015, in an editable Microsoft Excel spreadsheet. Provide the information separately for each calendar year:
  - a. The dates on which the generator was operated, and the total number of days in the calendar year the generator was operated.
  - b. Number of hours the generator was operated each day, and the method used to determine the number of hours operated (e.g., hours meter installed on the generator, daily logbook, etc).
  - c. Number of hours the generator was operated each month.

- d. Number of hours the generator was operated at idle conditions each month, and the method used to determine the number of hours operated at these conditions, if known.
  - e. Number of hours the generator was operated at load conditions each month, and the method used to determine the number of hours operated at these conditions, if known.
  - f. Rate of diesel fuel consumption in gallons/hour of the generator, as estimated by the generator vendor, at idle conditions.
  - g. Rate of diesel fuel consumption in gallons/hour of the generator, as estimated by the vendor, at load conditions.
  - h. Rate of NOx production in pounds/hour of the generator, as estimated by the generator vendor, at idle conditions.
  - i. Rate of NOx production in pounds/hour of the generator, as estimated by the generator vendor, at load conditions.
  - j. Total amount of diesel fuel consumed by the generator each month.
  - k. Total amount of NOx emissions in pounds produced by the generator each month, and the calculations used to estimate the NOx emissions.
  - l. The NOx emission factors, in pounds per horsepower-hour or grams per horsepower-hour, used to calculate the NOx emissions the generator each month.
4. For each date when one or both of the **Temporary Generators** was operated in 2014 or 2015, provide the total hours, in an editable Microsoft Excel spreadsheet, each front-end loader was operated that was used to load material onto the conveyor powered by the **Temporary Generators**. Provide the information separately for each front-end loader.
  5. For the period between January 2013 and December 2015, provide, in an editable Microsoft Excel spreadsheet, the following information:
    - a. Total tons of material loaded onto the conveyor each month.
    - b. Total tons of material from the conveyor processed each month.
    - c. Total NOx emissions produced, from each diesel-powered generator at the Hansen-Lehi facility which is not a **Temporary Generator**, each month.
    - d. The NOx emission factors used in the emissions calculation, for each diesel-powered generator at the Hansen-Lehi facility which is not a **Temporary Generator**, in pounds per horsepower-hour or grams per horsepower-hour.
    - e. Total NOx emissions produced from all diesel-powered generators at the Hansen-Lehi facility each month.
  6. Provide a copy of all **documents** relied upon in responding to Questions 1-5 of this Request for Information.
  7. **Identify** any **documents** or portions of **documents** otherwise responsive to this Request for Information that have been withheld on grounds of privilege. For each such **document** or portion of **document**, also provide the request that the **document** is responsive to, and the grounds for the privilege asserted.



**ENCLOSURE 3**

**STATEMENT OF CERTIFICATION**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations pursuant to section 113(c)(2) of the Clean Air Act, and 18 U.S.C. §§ 1001 and 1341.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

## **ENCLOSURE 4**

### **Confidential Business Information (CBI) Assertion and Substantiation Requirements**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this Request for Information for any business information entitled to confidential treatment under section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414, and 40 C.F.R. part 2, subpart B. Under section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. part 2, subpart B, business confidentiality means “the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” *See* 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in section 114(c) of the Act and 40 C.F.R. part 2, subpart B. If you fail to furnish a business confidentiality claim with your response to this Request for Information, the EPA will construe your failure as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” at the time you submit your response to this Request for Information. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e); (2) you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; (3) the information is not and has not been reasonably obtainable by legitimate means without your consent; and (4) the disclosure of the information is likely to cause substantial harm to your business’s competitive position. *See* 40 C.F.R. § 2.208 (a)-(e). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. part 2, subpart B. *See* 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this Request for Information, in accordance with 40 C.F.R. § 2.204(e)(4), the EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.

2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

Submit your answers to the above questions concurrently with your response to this Request for Information if you have claimed any information as business confidential. *See* 40 C.F.R. § 2.204(e)(2). You may request an extension of this deadline, pursuant to 40 C.F.R. § 2.205(b)(2). The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:

Sheldon Muller  
U.S. EPA Region 8  
1595 Wynkoop Street (8ENF-L)  
Denver, CO 80202-1129  
303-312-6916

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be regarded by the EPA as entitled to confidential treatment if, when it is received by the EPA, it is marked in accordance with 40 C.F.R. § 2.203(b). You may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). *See* 40 C.F.R. § 2.204(e)(6). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in section 114(c) of the Act and 40 C.F.R. part 2. The EPA will construe the failure to furnish a confidentiality claim with your comments as a waiver of that claim, and the information may be made available to the public without further notice to you.